

PATENT
Attorney Docket No. 7363.0010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No.: 5,792,261)
Inventor: Kiichi HAMA et al.) Group Art Unit: Unassigned
Issued: August 11, 1998) Examiner: Unassigned
Serial No.: Unassigned)
Filed: Concurrently Herewith)
For: PLASMA PROCESS)
APPARATUS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION UNDER 37 C.F.R. § 1.175

We, KIICHI HAMA, JIRO HATA, and TOSHIAKI HONGOH hereby declare
that:

1. Our residences, post office addresses and citizenship are as stated below under our respective names.
2. We believe we are the original, first and sole inventors of the subject matter that is claimed in U.S. Patent No. 5,792,261.
3. We have reviewed and understand the contents of the above-identified reissue application, including the claims.

4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, § 1.56.

5. The issue date of U.S. Patent No. 5,792,261, is less than two years prior to the filing date of this reissue application.

6. We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications for patent or inventor's certificate or of any PCT international applications designating at least one country other than the United States of America listed below and have also identified below any foreign applications for patent or inventor's certificate or any PCT international applications designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the applications of which priority is claimed.

Country (if PCT indicate PCT)	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. § 119
Japan	5-343871	December 17, 1993	[x] Yes [] No
Japan	6-076717	March 23, 1994	[x] Yes [] No
Japan	6-076727	March 23, 1994	[x] Yes [] No

7. We believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent.

8. The following is at least one error on which we rely to support the reissue application (i.e., the basis for the reissue): claim 1 of the issued patent recites "an induction electrode, for generating electromagnetic field between (1) said

window plate and (2) said substrate mounted on said support face . . . and including a coil arranged in said auxiliary chamber and facing said window plate." A coil is one possible embodiment of an induction electrode that can be used with the invention. In the description of preferred embodiments, the specification discloses at col. 6, line 31, that plural or two coils are used "in this case." However, the invention is not limited to use of a coil to generate a field and induce the plasma. Any induction electrode or "antenna" configuration (see col. 6, line 27) would serve the purpose as well. Moreover, patentability of the invention is not related to any particular shape or configuration of induction electrode or antenna. Accordingly, the presence of the "coil" term in issued claim 1, the only independent claim of the '261 patent, creates an unnecessarily restrictive limitation that results in the patent claiming less than we had the right to claim, rendering the patent partly inoperative because this claim might not read on an otherwise infringing product having an induction electrode or antenna with a different configuration.

9. All errors being corrected in the reissue application up to the time of filing the present Declaration arose without any deceptive intention on our part.

10. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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